

REMARKS

In the Office Action, claims 13-19 were rejected under 35 USC §103(a) as being unpatentable over Dubè et al U.S. Patent 6,098,821 in view of the prior art disclosed in the present application at page 4, lines 22-26.

The Dubè et al reference discloses a shelf divider 1 that has a base portion 13 which includes tabs 4 and 5. Adjacent tab 4, base portion 13 includes a locking tooth 6 that extends from the lower surface of the base portion 13. The shelf includes slots 3, 19, each of which has a widening 21 that forms a hole to receive the locking tooth 6 when the tab 4 is engaged within the slot 3 or 19.

The disclosed prior art of the present application relates to two differently configured openings that are used to mount differently configured shelf accessories. In one version, the openings are in the form of slots that are used to mount shelf dividers or other accessories that have tab-type mounting arrangements. In another version, the openings are in the form of holes for mounting shelf accessories with axial mounting arrangements, such as rods or screws.

The Dubè et al reference discloses a tab-type shelf divider that has a locking tooth for engagement within a slot widening 21 when the divider is engaged with the shelf. With this construction, the narrow area of the slot is occupied by the tab and the widening of the slot is occupied by the locking tooth when the shelf divider is mounted to the shelf. Dubè et al discloses a single type of shelf accessory, i.e. a shelf divider, and a specific opening configuration for mounting the shelf accessory to a shelf.

The present invention differs in significant respects from the disclosure of Dubè et al and the prior art disclosed in the present application. Specifically, the present

invention contemplates a uniquely configured shelf opening in combination with differently configured shelf accessories that are mounted to the shelf using different parts of the uniquely configured opening.

Claim 13 has been amended to emphasize the distinctions of the present invention over the prior art.

Claim 13 is amended to include the step of mounting either the first shelf accessory or the second shelf accessory to the shelf. The step of mounting the first shelf accessory to the shelf is carried out by placing the tab of the first shelf accessory into both the first and second open areas of the opening. Claim 13 states that the tab and the first and second open areas of the opening are configured such that the tab is located in the second open area of the opening, and also states that portions of the first open area of the opening extend outwardly from either side of the tab without engaging the tab. Claim 13 is also amended to state that the outwardly extending portions of the first open area of the opening are unoccupied when the first shelf accessory is mounted to the shelf.

Claim 13 is also amended to state that the step of mounting the second shelf accessory to the shelf is carried out by placing the axially extending mounting member of the second shelf accessory into the first open area of the opening. Claim 13 further states that the axially extending mounting member and the first and second open areas of the opening are configured such that the axially extending mounting member is located in the first open area of the opening. The second open area of the opening is defined as extending from the axially extending mounting member without engaging the axially extending mounting member. Claim 13 also states that the second open area of the opening is unoccupied when the second shelf accessory is mounted to the shelf.

In the Dubè et al reference, the tab is received within the narrow areas of the slot and the locking tooth is engaged within the widened area of the slot when the shelf divider is mounted to the shelf. With this construction, there is engagement between the shelf divider mounting structure and both the widened and narrow areas of the slot when the shelf divider is mounted to the shelf. This is in distinct contrast to the present invention, which utilizes the narrow area(s) of the slot to mount a tab-type accessory or uses the widened area of the slot to mount an accessory having an axially extending mounting arrangement. The different areas of the slot are not used to mount the same shelf accessory, which is expressly the case in the Dubè et al reference.

Furthermore, Dubè et al completely lacks any showing or suggestion that the disclosed slot structure could be used to mount anything other than a single type of shelf divider as disclosed in Dubè et al. The disclosed prior art of the present application adds nothing to the disclosure of Dubè et al, in that the prior art set forth in the present application specifically relates to the use of two separate types of openings in a shelf to mount two shelving accessories having differently configured mounting arrangements.

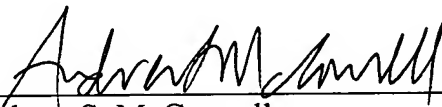
The present invention provides an accessory mounting system that is extremely efficient and allows different types of shelving accessories to be mounted to the same type of shelf. The present invention is not shown or suggested by the Dubè et al reference, either alone or in combination with the disclosed prior art of the present application. Accordingly, claim 13 is believed to patentably define over the references, and is allowable.

Claims 14-19 depend directly or indirectly from claim 13, and are believed allowable for the above reasons as well as in view of the subject matter of each claim.

Applicant's attorney has made every effort to place the application into condition for allowance with claims 13-19, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

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